

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 30, 1998

DIVISION ONE

B113019 Hackel (Not for Publication)

V.

California Riviera Homeowners Assoc. et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B114509 People (Not for Publication)

V.

Willis

The judgment is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.

Dunn, J. (Assigned)

B116199 People (Not for Publication)

V.

Hawkins

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

April 30, 1998-Continued

DIVISION ONE (Continued)

B116912 People v. Pierce (Not for Publication)

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B108786 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

April 30, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Dunn, J. (Assigned)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J. Dunn, J. (Assigned)

April 30, 1998-Continued

DIVISION ONE (Continued)

B119635 Valerie E. (Not for Publication)

v.
Superior Court, Los Angeles County
(L.A. DCFS, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B109940 People (Not for Publication)

v.
Huff

The judgment is modified to reflect the imposition of a one-year enhancement for being armed personally with a firearm rather than a three-year enhancement for personally using a firearm. As modified, the judgment is affirmed. The Clerk of the Court is directed to prepare a modified abstract of judgment and forward it to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

April 30, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The appeal from the order denying plaintiff's request for sanctions pursuant to Code of Civil Procedure section 128.5 is dismissed. The court's determination that plaintiff was not entitled to attorney's fees pursuant to Code of Civil Procedure section 2033, subdivision (o), is reversed; in light of that reversal, the court's order awarding plaintiff costs and fees pursuant to Code of Civil Procedure section 998 is affirmed. Plaintiff is to recover his costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

B098284 Leader (Not for Publication)
v.
Health Industries of America

The judgment (order of dismissal) is reversed and the cause is remanded for further proceedings consistent with this opinion. Each party to bear its own costs on appeal.

Zebrowski, J.

I concur: Fukuto, J.
I dissent: Boren, P.J. (Opinion)

April 30, 1998-Continued

DIVISION TWO (Continued)

B112034 Roddenberry, Eileen A. (Not for Publication)
v.
Roddenberry, Majel

The judgment is affirmed. Respondent to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B114696 Cabe (Certified for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition for writ of mandate is granted. The superior court is directed to set aside its order denying petitioner's section 995 motion, and to enter a new and different order granting the motion. The temporary stay is vacated.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

DIVISION THREE

B103872 Patricia C. Bohannon (Not for Publication)
v.
National Basketball Players Association, et al.

The judgment is affirmed. Defendants to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B113600 Nejat Munisoglu (Not for Publication)
 v.
 Erturk Dincel

The judgment entered in favor of Dincel is affirmed. Dincel is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B113433 People (Certified for Publication)
 v.
 Jones

The Court:

For the foregoing reasons we modify the sentence imposed in this case to strike one of the enhancements imposed pursuant to Penal Code section 667.5, subdivision (b), leaving a total term of imprisonment of 9 years. The trial court is directed to prepare an Amended Abstract of Judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B114217 People (Not for Publication)
 v.
 Robins

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

April 30, 1998-Continued

DIVISION FOUR (Continued)

B106884 People (Not for Publication)
v.
Rhea

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

[illegible]

The judgment is modified to reflect the sentence on the use enhancement on count 3 is one year and four months, and, as modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment accordingly.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

April 30, 1998-Continued

DIVISION FOUR (Continued)

B112732 People (Not for Publication)

V.
Rodriguez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Czuleger, J. (Assigned)

B111754 People (Not for Publication)

v.
Valdez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B118508 Lenore C. (Not for Publication)

v.
Superior Court of Los Angeles
D.C.F.S.

The petition for extraordinary writ is therefore denied.

Czuleger, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Epstein, J.

April 30, 1998-Continued

DIVISION FOUR (Continued)

B114507 Isis W. (Not for Publication)
v.
D.C.F.S.
Inga W.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B112554 Tamrac, Inc. (Certified for Publication)
v.
California Insurance Guarantee Association

The judgment is reversed. Costs on appeal are awarded to appellant.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Czuleger, J. (Assigned)

B109836 Boyle (Not for Publication)
v.
City of Redondo Beach et al.

The judgment is affirmed. Respondents shall recover costs on appeal, but their motion for attorney fees on appeal pursuant to section 1038 is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Czuleger, J. (Assigned)

April 30, 1998-Continued

DIVISION FOUR (Continued)

B108182 Vaccaro (Certified for Publication)
v.
Kaiman et al.

The order of dismissal and the order granting sanctions of \$38,236.50 are reversed. Costs on appeal are awarded to plaintiff. The writ of supersedeas filed June 2, 1997, staying enforcement of the judgment and sanctions shall remain in effect until the filing of the remittitur.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B116350 Government Employees Insurance Company (Not for Publication)
v.
Pittman
Ayscough & Marar et al.

The order of September 8, 1997, is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B112504 Cassell et al., as Trustees, etc. (Not for Publication)
v.
Kim et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Czuleger, J. (Assigned)

DIVISION FOUR (Continued)

B101413 Arvizu (Not for Publication)

v.
City of South Gate et al.

The judgment is reversed and the matter is remanded for a new trial in keeping with the views expressed in this opinion. Appellant to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B112912 Hughes (Certified for Publication)

v.
City of Pomona et al.

The appeal is dismissed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FIVE

B119954 James K., Cynthia K.
v.
Superior Court, Los Angeles County
(In re Collin K., r.p.i.)

Filed order dismissing petitions (non-operative) filed March 4, 1998 and March 23, 1998.

DIVISION SEVEN

B115062 Sandoval (Not for Publication)
v.
Keese

The judgment is affirmed insofar as it granted summary adjudication of appellant's punitive damage claims. It is reversed insofar as it granted summary judgment on appellant's claims for legal malpractice, breach of fiduciary duty, and fraud, and remanded for further proceedings consistent with this opinion. Appellant shall recover costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B110464 People
v.
Givens

Filed order denying petition for rehearing.

B113351 Lora R.
v.
LA County, D.C.F.S.

Filed order granting petition for rehearing.